

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

V.

ELIOT BACOLAS.

Judgment Debtor,

and

FIDELITY MANAGEMENT TRUST
COMPANY,

Third-Party Respondent.

21 CR 242 (JPC)

TURNOVER ORDER

WHEREAS the Court entered judgment against ELIOT BACOLAS on November 13, 2023, and ordered him to pay a \$100 mandatory special assessment for one felony count of conviction pursuant to 18 U.S.C. § 3013, plus a \$10,000 assessment pursuant to the Amy, Vicky, and Andy Child Pornography Victim Assistance Act (“AVAA”), and a \$5,000 additional special assessment pursuant to the Justice for Victims of Trafficking Act (“JTVA”), for the total lump sum of \$15,100, of which \$15,000 remains unpaid;

WHEREAS, pursuant to 18 U.S.C. § 3613, upon entry of judgment, a lien arose on all of Bacolas' property and rights to property notwithstanding any other federal law, and the United States may use any federal or state procedure to enforce the judgment;

WHEREAS, pursuant to Federal Rule of Civil Procedure 69(a)(1) and N.Y. CPLR § 5222, the United States issued and served a restraining notice on third-party respondent Fidelity Management Trust Company (“Fidelity”) for substantial nonexempt property belonging or due to Bacolas;

WHEREAS Fidelity answered that it holds funds exceeding the judgment debt in Bacolas' IRA ending in 4723;

WHEREAS the United States served the judgment debtor with the restraining notice, including the exclusive and limited exemptions available to criminal judgment debtors under 18 U.S.C. § 3613(a), and its motion for turnover order;

WHEREAS Bacolas has a substantial nonexempt interest in the property held by Fidelity, to which the criminal judgment lien has attached, and therefore the property is subject to turnover;

IT IS HEREBY ORDERED that Fidelity shall liquidate securities as needed to submit payment of \$15,000 from ELIOT BACOLAS' IRA ending in 4723, with no early withdrawal penalty, to the Clerk of Court in full satisfaction of his criminal judgment. *See* 18 U.S.C. § 3613; *United States v. Irving*, 452 F.3d 110, 126 (2d Cir. 2006); *United States v. Novak*, 476 F.3d 1041, 1062 (9th Cir. 2006) (involuntary court-ordered distributions from retirement accounts to pay criminal judgment are not subject to additional tax or penalty for early withdrawal).

Payments should be made by cashier's check or certified funds to "Clerk of Court" with "No. 21 CR 242" written on the face of each payment and mailed to:

United States District Court
500 Pearl Street, Room 120
New York, New York 10007
Attn: Cashier

Dated: New York, New York
February 25, 2025



JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE